

APPEAL NO. 021106  
FILED JUNE 6, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 23, 2002. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 12th quarter from November 24, 2001, through February 22, 2002. The claimant appeals, arguing that the hearing officer erred in determining SIBs for the 12th quarter. The respondent (carrier) filed a response urging affirmance.

DECISION

Affirmed.

At issue in this case is whether the hearing officer erred in determining that the claimant is not entitled to SIBs for the 12th quarter. In reaching his decision, the hearing officer determined that the claimant's unemployment is a direct result of his compensable injury and that he did not attempt in good faith to obtain employment commensurate with his ability to work. The hearing officer's direct result determination is not appealed. Whether the claimant attempted in good faith to obtain employment commensurate with his ability to work pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d) (Rule 130.102(d)) is a question of fact for the hearing officer. Upon review of the record, we conclude that the hearing officer's determination that the claimant is not entitled to SIBs for the 12th quarter is supported by the evidence, and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **T.P.C.I.G.A. for Reliance National Indemnity (an impaired carrier)** and the name and address of its registered agent for service of process is

**TIMOTHY McGUIRE  
633 N. ST. HWY 161  
SUITE 200  
DALLAS, TEXAS 75038.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Robert W. Potts  
Appeals Judge